

BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF	)	
HI-LINE ASPHALT PRODUCTS, LTD.,	)	
	)	
Appellant,	)	PCHB No. 81-159
	)	
v.	)	FINAL FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW
PUGET SOUND AIR POLLUTION	)	AND ORDER
CONTROL AGENCY,	)	
	)	
Respondent.	)	


THIS MATTER, the appeal from the issuance of a \$250 civil penalty for the alleged violation of 9.03(b) of Regulation I, having come on regularly for formal hearing on March 8, 1982, at Seattle-Tacoma International Airport, and appellant represented by its secondary Vice President Martin K. Romano and respondent represented by its attorney Keith D. McGoffin, with Nat W. Washington presiding, and having reviewed the Proposed Order of the presiding officer mailed to the parties on the 6th day of April, 1982, and more than twenty days having elapsed from said service; and

1 The Board having received no exceptions to said Proposed Order  
2 and the Board being fully advised in the premises; NOW THEREFORE,

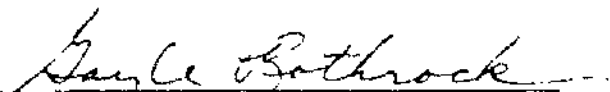
3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said Proposed  
4 Order containing Findings of Fact, Conclusions of Law and Order dated  
5 the 6th day of April, 1982, and incorporated by reference herein and  
6 attached hereto as Exhibit A, are adopted and hereby entered as the  
7 Board's Final Findings of Fact, Conclusions of Law and Order herein.

8 DONE this 3<sup>rd</sup> day of June, 1982.

9 POLLUTION CONTROL HEARINGS BOARD

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12 NAT'W. WASHINGTON, Chairman

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15 DAVID AKANA, Lawyer Member

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18 GAYLE BOTHROCK, Vice Chairman

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26 FINAL FINDINGS OF FACT,  
27 CONCLUSIONS OF LAW  
AND ORDER  
PCHB No. 81-159

BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF  
HI-LINE ASPHALT PRODUCTS, LTD.,

Appellant,

v.

PUGET SOUND AIR POLLUTION  
CONTROL AGENCY,

Respondent.

PCHB No. 81-159

PROPOSED FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER

This matter, the appeal from the issuance of a \$250 civil penalty for the alleged violation of 9.03(b) of Regulation I, came before the Pollution Control Hearings Board, Nat W. Washington, presiding, at a formal hearing at Seattle-Tacoma International Airport, Washington on March 8, 1982.

Appellant was represented by its secondary Vice President, Martin K. Ramano; respondent was represented by its attorney, Keith D. McGoffin.

Having heard the testimony, having examined the exhibits, and

EXHIBIT A

1 having considered the contentions of the parties, the Board makes these

2 FINDINGS OF FACT

3 I

4 Pursuant to RCW 43.21B.260, respondent has filed with the Board a  
5 certified copy of its Regulation I and amendments thereto, which are  
6 noticed.

7 II

8 On September 16, 1981, at about 8:30 a.m., respondent's inspector  
9 noticed a gray-colored plume rising from appellant's site at 1115  
10 South 96th Street in King County, Washington. After properly  
11 positioning herself, she observed the plume which was coming from  
12 appellant's dryer baghouse, and recorded opacities ranging from 35 to  
13 40 aggregating more than three minutes during an hour. After  
14 discussing the matter with the plant manager, the inspector issued  
15 Notice of Violation No. 18589. On September, 16, 1981, respondent  
16 sent by certified mail Notice and Order of Civil Penalty of \$250 for  
17 the alleged violation of Section 9.03 of respondent's Regulation I.  
18 The Notice and Order of Civil Penalty is the subject of the instant  
19 appeal.

20 III

21 Section 9.03 of respondent's Regulation I makes it unlawful for  
22 any person to cause or allow the emission of any air contaminant for a  
23 period totaling more than three minutes in any one hour which is of an  
24 opacity equal to or greater than 20%.

25 Section 3.29 of Regulation I provides for a civil penalty of up to

1 \$250 per day for each violation of Regulation I.

2 IV

3 Any Conclusion of Law which should be deemed a Finding of Fact is  
4 hereby adopted as such.

5 From these Findings the Board enters these

6 CONCLUSIONS OF LAW

7 I

8 Appellant violated Section 9.03(b) of Regulation I as alleged, on  
9 September 16, 1981, by allowing or causing an air emission of smoke in  
10 excess of the limits established by the regulations.

11 II

12 Any Finding of Fact which should be deemed a Conclusion of Law is  
13 hereby adopted as such.

14 From these Conclusions the Board enters this  
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ORDER

The \$250 civil penalty is affirmed but \$100 thereof is suspended on the condition that appellant not violate respondent's regulations for a period of two years after this order becomes final.

DONE at Lacey, Washington this 6<sup>th</sup> day of April, 1982.

POLLUTION CONTROL HEARINGS BOARD

Nat W. Washington  
NAT W. WASHINGTON, Chairman